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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

NORTHWEST CENTER FOR)
ALTERNATIVES TO PESTICIDES, et)
al.,)
Plaintiffs,)
v.)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)
Federal Defendant,)
and)
CROPLIFE AMERICA, *et al.*,)
Intervenor-Defendants.)

No. 2:10-cv-01919-TSZ

**PARTIES' STIPULATED
MOTION FOR A STAY AND
[PROPOSED] ORDER**

**NOTE ON MOTION
CALENDAR: THURSDAY,
FEBRUARY 13, 2014**

1 Plaintiffs, Northwest Center for Alternatives to Pesticides, *et al.*, Federal Defendant, U.S.
2 Environmental Protection Agency, and Defendant-Intervenors CropLife America, *et al.*, request
3 a 31-day stay of this case, and state in support:
4

5 1. Pursuant to a stipulation, the Court ordered the parties to “confer and submit their
6 proposal(s) for any discovery and a summary judgment briefing schedule—in accordance with the
7 applicable Federal Rules of Civil Procedure and this Court's previous orders—within seven days
8 of the Court’s order denying in whole or in part any dispositive motion(s),” Dkt. No. 142 at 2
9 (Oct. 21, 2013).
10

11 2. Defendant-Intervenors filed a motion to dismiss the first and third claims in
12 Plaintiffs’ supplemental complaint on October 31, 2013 (Dkt. No. 147). The Court denied
13 Defendant-Intervenors’ motion to dismiss on January 28, 2014 (Dkt. No. 161). The deadline for
14 the parties to file a proposal for any discovery and a summary judgment briefing schedule was
15 therefore originally February 4, 2014. The deadline for Defendant-Intervenors to file an Answer
16 to the Supplemental Complaint is February 14, 2014.
17

18 3. On February 3, 2014, the parties requested an additional ten days to confer with
19 their clients and each other regarding the status of this case and to determine if agreement can be
20 reached regarding any discovery and summary judgment briefing schedule(s).
21

22 4. The Court granted the parties’ request for a 10-day extension on February 4,
23 2014. Dkt. No. 163. The parties’ proposal(s) for any discovery and summary judgment briefing
24 schedule(s) are therefore currently due on February 14, 2014.

25 5. The Plaintiffs and Defendant have been engaged in substantive settlement
26 discussions resulting in a concrete proposal for further settlement talks. In order to facilitate
27 their participation in future discussions, Defendant has recently informed the Intervenors about
28

1 the content of those discussions. Accordingly, to preserve the parties' and the Court's resources,
2 the parties request a 31-day stay of this case to continue settlement discussions. In order to
3 preserve resources, Defendant-Intervenors request, and the Plaintiffs and Defendant do not
4 object, that the 31-day stay also apply to the deadline for Defendant-Intervenors' Answer.
5

6 6. This Court has authority to grant a stay pursuant to its "inherent authority to
7 control its own docket and calendar." *Yong v. INS*, 208 F.3d 1116, 1119 (9th Cir. 2000); *see also*
8 *Landis v. North American Co.*, 299 U.S. 248 (1936).

9 7. One week prior to the expiration of the requested stay, the parties will file a status
10 report on these discussions, including the need, if any, for a discovery and summary judgment
11 briefing schedule.

12 THEREFORE, in light of the above, the parties request a 31-day stay of this case
13 including the deadline for Defendant-Intervenors' Answer, through March 17, 2014, to permit
14 the parties to continue their settlement discussions. A proposed order is attached.
15

16 Dated: February 13, 2014.

Respectfully Submitted,

17 ROBERT G. DREHER
18 Acting Assistant Attorney General
19 SETH M. BARSKY, Section Chief
S. JAY GOVINDEN, Assistant Chief

20 /s/ J. Brett Grosko

21 _____
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Attorney for Intervenor-Defendants

1 **IT IS SO ORDERED**

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3
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Thomas S. Zilly
5 U.S. District Court Judge
6
7

8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on February 13, 2014, I electronically filed the foregoing with the
10 Clerk of the Court using the CM/ECF system, which will send notification of such to the
11 attorneys of record.
12
13

14 */s/ J. Brett Grosko*

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J. BRETT GROSKO
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